

Entered -02/07/00 - sb  
CL- 00L0055 - GWENDOLYN BURNS

00- *R* -1826

CLAIM OF: Ajit Kumar  
56 Walton Street, NW  
Atlanta, Georgia 30303

For property damages alleged to have been sustained from a storm  
sewer overflow on December 6, 1999 at 56 Walton Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*

ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

CONSENT AGENDA

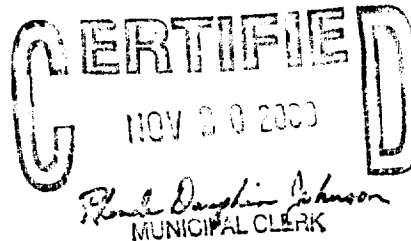
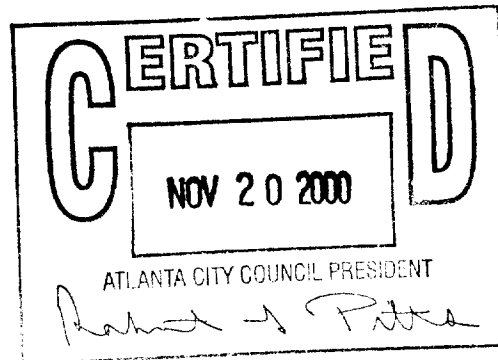
ADVERSE REPORT

ADVERSED  
CITY COUNCIL NOV 20 2000

cc: *Public Safety*

*11/14/00*

V-CH *Cleta Kensington*  
*Michael R. Pitts*  
*James*  
*Wor*





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

November 28, 2000

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Ajit Kumar  
56 Walton St., NW  
Atlanta, GA 30303

00-R-1826

Dear Mr. Kumar:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 20, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0055

Date: November 2, 2000

Claimant /Victim AJIT KUMAR  
BY: (Atty) (Ins. Co.)  
Address: 56 Walton Street, NW, Atlanta, Georgia 30303  
Subrogation: Claim for Property damage \$ 4,677.82 Bodily Injury \$  
Date of Notice: 1/26/00 Method: Written, Proper X Improper  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 12/6/99 Place: 56 Walton Street, NW  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damages to his business from a sewer back up. However, an investigation determined that the City did not have notice of any problems at this location prior to the December 6, 1999 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral  
Pictures Diagrams Reports: Police Dept Report X Other  
Traffic citations issued: City Driver Claimant Driver  
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial  
Improper Notice More than Six Months Other X Damages reasonable  
City not involved Offer rejected Compromise settlement  
Repair/replacement by Ins. Co. Repair/replacement by City Forces  
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01  
Claims Manager: Concur/date 11-02-00  
Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

BURNS  
02/04/00

Today's Date: 1/29/2000

01-26-00A04:46 RCVD

ENTERED - 2-7-00 - SB  
00L0055 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 4677.82 property and/or \$ 00 bodily injury for which I contend the City is liable.

1. Date of incident: Dec 6, 1999 2. Time of Incident: \_\_\_\_\_ 3. Police called: \_\_\_\_\_  
(month/day/year) Yes No

4. Location of incident (including street address): 56 WALTON ST NW ATLANTA GA 30303

5. Name of your insurance company: Nationwide Ins. Policy No. 77B0175-4260001B

6. State what and how incident occurred: City Pipe broke, Basement  
flooded with sewer water, which caused the  
damages to our merchandise stored in  
basement.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Sarah Pitt 5768 Bonfloc 93 Atlanta 30331  
(Name) (Address) (Telephone Number)  
404-782-5662

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Ajit Kumar  
Signature of Claimant

Ajit Kumar DBA  
(Print Claimant's Name) ARORA S

56 Walton St NW  
(Address)

Atlanta GA 30303  
(City, State and Zip Code)

404-681-3576 770-414-8080  
(Work Number) (Home Number)

00- R -1826

Council President Pro Tem Starnes  
Presided

RCS# 2401  
11/20/00  
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849  
(Morris Voted NAY)

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-1111  
00-R-1693  
00-R-1694  
00-R-1695  
00-R-1696  
00-R-1697  
00-R-1804  
00-R-1835

CONSENT

		11/20/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 00-O-1690 2. 00-O-1691 3. 00-O-1692 4. 00-O-1845 5. 00-O-1864 6. 00-O-0728 7. 00-R-1702 8. 00-R-1703 9. 00-R-1705 10. 00-R-1707 11. 00-R-1850 12. 00-R-1865 13. 00-R-1851 14. 00-R-1873 15. 00-R-1622 16. 00-R-1623 17. 00-R-1699 18. 00-R-1775* 19. 00-R-1776* 20. 00-R-1777* 21. 00-R-1782 22. 00-R-1687 23. 00-R-1668 24. 00-R-1786 25. 00-R-1789 26. 00-R-1799 27. 00-R-1800 28. 00-R-1813 29. 00-R-1814	30. 00-R-1815 31. 00-R-1849# 32. 00-R-1858 33. 00-R-1862 34. 00-R-1787* 35. 00-R-1790 36. 00-R-1791 37. 00-R-1794 38. 00-R-1798 39. 00-R-1861 40. 00-R-1686 41. 00-R-1843 42. 00-R-1869 43. 00-R-1870 44. 00-R-0973 45. 00-R-0816 46. 00-R-1803 47. 00-R-1805 48. 00-R-1806 49. 00-R-1807 50. 00-R-1808 51. 00-R-1809 52. 00-R-1810 53. 00-R-1811 54. 00-R-1812	55. 00-R-1816 56. 00-R-1817 57. 00-R-1818 58. 00-R-1819 59. 00-R-1820 60. 00-R-1821 61. 00-R-1822 62. 00-R-1823 63. 00-R-1824 64. 00-R-1825 65. 00-R-1826 66. 00-R-1827 67. 00-R-1828 68. 00-R-1829 69. 00-R-1830 70. 00-R-1831 71. 00-R-1832 72. 00-R-1833 73. 00-R-1834 74. 00-R-1836 75. 00-R-1837 76. 00-R-1838 77. 00-R-1839 78. 00-R-1840 79. 00-R-1841 80. 00-R-1842  * President Pitts recused himself.  # Lee Morris not voting.